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Application Number 09/777,364

Filing Date February 5, 2001

First Named Inventor Andy C. Neilson

Art Unit 1743

Examiner Name Jeffrey R. Snay

Total Number of Pages in This Submission

6

Attorney Docket Number FSII 304

**ENCLOSURES (Check all that apply)**

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| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input checked="" type="checkbox"/> After Allowance communication<br>to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br><br>** Issue fee transmittal (in duplicate) |
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual nameJames R. Abney, Esq.  
Kolisch Hartwell, P.C.

Signature

Date

July 22, 2004

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Date

July 22, 2004

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

ANDY C. NEILSON, MICHAEL R. SWEENEY,  
JAMES D. ORRELL III, MICHAEL W. OSTER,  
JOHN M. HOPKINS, and MARC SAMSON

Date: July 22, 2004

Examiner Jeffrey R. Snay

Serial No. : 09/777,364

Group Art Unit 1743

Filed : February 5, 2001

For : APPARATUS AND METHODS FOR INFRARED  
CALORIMETRIC MEASUREMENTS

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Alexandria, Virginia 22313-1450

Sir :

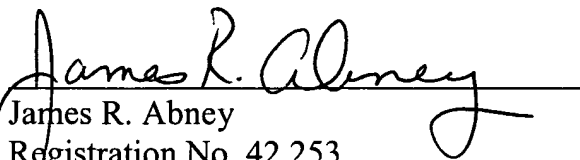
**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Applicants received a Notice of Allowance dated July 16, 2004 on the above-identified patent application. In the Notice, the Examiner allowed claims 39-74. The Examiner also paraphrased applicants' claimed invention as part of the stated reasons for allowance. Applicants agree with the Examiner's conclusions regarding the patentability of the allowed claims, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, applicants believe that the application is allowable because the prior art fails to teach or suggest the invention as claimed, independent of how the invention is paraphrased.

Please contact the undersigned if you have any questions or comments, or if applicants can be of any assistance in expediting issuance of the patent.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



James R. Abney

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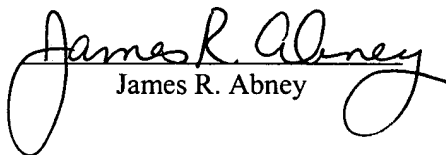
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James R. Abney